



A G E N D A



**CITY OF IMPERIAL BEACH
CITY COUNCIL
PLANNING COMMISSION
PUBLIC FINANCING AUTHORITY
HOUSING AUTHORITY**

IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY

DECEMBER 6, 2017

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

REGULAR MEETING & CLOSED SESSION – 6:00 P.M.

THE CITY COUNCIL ALSO SITS AS THE CITY OF IMPERIAL BEACH PLANNING COMMISSION, PUBLIC FINANCING AUTHORITY, HOUSING AUTHORITY AND IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY

The City of Imperial Beach is endeavoring to be in total compliance with the Americans with Disabilities Act (ADA). If you require assistance or auxiliary aids in order to participate at City Council meetings, please contact the City Clerk's Office at (619) 628-2347, as far in advance of the meeting as possible.

REGULAR MEETING CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

AGENDA CHANGES

**MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY
ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES**

COMMUNICATIONS FROM CITY STAFF

PUBLIC COMMENT- *Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.*

PRESENTATIONS (1.1-1.3)

1.1* RECOGNITION OF FIRE PREVENTION WEEK POSTER CONTEST WINNERS. (0410-30).

1.2* "A SALUTE TO TEACHERS" – RECOGNITION OF BEN SWEARINGEN, IMPERIAL BEACH CHARTER SCHOOL. (0410-30)

1.3* PRESENTATION BY COX COMMUNICATIONS – INDUSTRY UPDATE. (0800-10)

**No staff report.*

CONSENT CALENDAR (2.1-2.9)-*All matters listed under Consent Calendar are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Councilmember or member of the public requests that particular item(s) be removed from the Consent Calendar and considered separately. Those items removed from the Consent Calendar will be discussed at the end of the Agenda.*

2.1 MINUTES.

Recommendation: That the City Council approves the Regular Meeting Minutes of October 4, 2017 and November 15, 2017.

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Any writings or documents provided to a majority of the City Council/Planning Commission/Public Financing Authority/Housing Authority/I.B. Redevelopment Agency Successor Agency regarding any item on this agenda will be made available for public inspection in the office of the City Clerk located at 825 Imperial Beach Blvd., Imperial Beach, CA 91932 during normal business hours.

CONSENT CALENDAR (Continued)

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Recommendation: It is respectfully requested that the City Council ratifies the warrant register.

2.3 RESOLUTION NO. 2017-7869 APPROVING THE CALENDAR AND SETTING THE TIME FOR CITY COUNCIL MEETINGS FOR THE YEAR 2018. (0410-05)

Recommendation: That the City Council adopts Resolution No. 2017-7869.

2.4 LOCAL APPOINTMENTS LIST. (0460-45)

Recommendation: That the City Council approves the Local Appointments List in compliance with California Government Code §54972 and designates the Imperial Beach Branch Library (the public library with the largest service population within jurisdiction) to receive a copy of the list in compliance with California Government Code §54973.

2.5 ANNUAL CITY COUNCIL REPRESENTATION ASSIGNMENTS FOR 2018. (0410-50)

Recommendation: Approve the Mayor's City Council Representation Assignments List for 2018.

2.6 RESOLUTION 2017-7865 AMENDING THE ADOPTED FY18 BUDGET UP TO \$65,000 FOR FURTHER REVIEW OF COMMERCIAL CANNABIS OPTIONS. (0300-20 & 0610-95)

Recommendation: Adopt Resolution No. 2017-7864.

2.7 RESOLUTION 2017-7875 CONTINUING THE PROCLAMATION OF A STATE OF LOCAL EMERGENCY RELATING TO IMPACTS FROM CROSS-BORDER POLLUTION IN THE TIJUANA RIVER. (0150-40 & 0210-26)

Recommendation: Adopt Resolution No. 2017-7875.

2.8 RESOLUTION 2017-7870 TO AUTHORIZE THE SALE OF SURPLUS CITY EQUIPMENT. (0380-45)

Recommendation: Adopt Resolution 2017-7870 to authorize the sale/ transfer of surplus supplies and equipment listed in Exhibit A, Equipment Inventory List for County Auction of the staff report.

2.9 RESOLUTION NO. 2017-7878 AUTHORIZING THE PURCHASE OF ONE NEW DIESEL GAPVAX TRUCK. (1130-10)

Recommendation: That the City Council adopt Resolution No. 2017-7878 approving the additional appropriation of \$21,913.88 from the City's Vehicle Replacement Fund (501-1921), and award the contract in the amount of \$456,913.88 to Plumber's Depot Inc. for the procurement of one New 2018 Freightliner 114SD Three Axle Chassis with GapVax MC Series Combination Jet/ Vacuum Machine.

ORDINANCES/INTRODUCTION & FIRST READING (3.1)

3.1 INTRODUCTION OF ORDINANCE NO. 2017-1171, KNOWN AS THE IMPERIAL BEACH MARINE AND BEACH PROTECTION ORDINANCE, REGULATING THE USE OF EXPANDED POLYSTYRENE AND NON-RECYCLABLE PLASTIC DISPOSABLE CONTAINERS AND PACKAGING. (0220-95)

Recommendation: Introduction of Ordinance No. 2017-1171 by title only and waive further reading of the Ordinance.

PUBLIC HEARINGS (4.1-4.4)

4.1 (1) SADBERRY-PALM, LLC (APPLICANT); CONSIDERATION OF AN AMENDMENT TO A COASTAL DEVELOPMENT PERMIT (ACP 110024), DESIGN REVIEW CASE (DRC 110025), SITE PLAN REVIEW (SPR 110026), TENTATIVE MAP (TM 110027), AND ADDENDUM TO A MITIGATED NEGATIVE DECLARATION (EIA 110028) FOR THE CONSTRUCTION OF A HOTEL ON A 1.4 ACRE PORTION OF THE 4.75 ACRE BREAKWATER COMMERCIAL/RETAIL CENTER LOCATED ON THE SOUTH SIDE OF STATE ROUTE 75/PALM AVENUE BETWEEN 9TH & 7TH STREETS (MF 1062; RESOLUTION 2017-7866); AND

PUBLIC HEARINGS (Continued)

- (2) CONSIDERATION OF AN ECONOMIC DEVELOPMENT SUBSIDY PURSUANT TO A PROPOSED OPERATING COVENANT AGREEMENT BY AND BETWEEN THE CITY OF IMPERIAL BEACH AND SADBERRY-PALM AVENUE LLC TO SHARE TRANSIENT OCCUPANCY TAX REVENUE AND THE OPERATING COVENANT AGREEMENT AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE OPERATING COVENANT AGREEMENT ON BEHALF OF THE CITY (RESOLUTION 2017-7872). (0600-20)**

Recommendation: That the City Council hold the public hearing(s), consider public comments, and adopt:

- (1) Resolution 2017-7866 approving an amendment to a Coastal Development Permit (ACP 110024), Design Review Case (DRC 110025), Site Plan Review (SPR 110026), and Tentative Map (TM 110027), lot consolidation, and addendum to a Mitigated Negative Declaration (EIA 110028) for the construction of a 101 room hotel on a 1.4 acre portion of the 4.75 acre Breakwater commercial/retail center on the south side of State Route 75/Palm Avenue between 9th & 7th Streets (APNs 626-250-13-00, 626-250-14-00, 626-250-15-00, 626-250-16-00, 626-250-17-00, and 626-250-18-00); and
- (2) Resolution 2017-7872 approving the Economic Development Subsidy and the Operating Covenant Agreement to provide economic assistance to the Hotel Project.

- (3) Item 6.1 - ADOPTION OF RESOLUTION NO. 2017-7873 OF THE CITY COUNCIL (I) APPROVING A SECOND AMENDMENT TO PURCHASE AND SALE AGREEMENT BY AND BETWEEN THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY AND SADBERRY-PALM AVENUE LLC REGARDING DEVELOPMENT OF THE HOTEL COMPONENT OF THE BREAKWATER - 9TH AND PALM AVENUE DEVELOPMENT PROJECT, AND (II) APPROVING OTHER RELATED ACTIONS.**

ADOPTION OF RESOLUTION NO. SA-17-60 (I) APPROVING A SECOND AMENDMENT TO PURCHASE AND SALE AGREEMENT BY AND BETWEEN THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY AND SADBERRY-PALM AVENUE LLC REGARDING DEVELOPMENT OF THE HOTEL COMPONENT OF THE BREAKWATER - 9TH AND PALM AVENUE DEVELOPMENT PROJECT, (II) APPROVING THE PLANS SUBMITTED BY PURCHASER FOR THE HOTEL COMPONENT OF THE PROJECT PROPOSED BY THE SECOND AMENDMENT, AND (III) APPROVING OTHER RELATED ACTIONS. (0600-20)

Recommendation: City and Successor Agency staff recommends that the City Council and the Successor Agency receive public input and adopt their respective Resolutions as follows:

- (1) That the City Council of the City of Imperial Beach adopts Resolution Number 2017-7873 and
- (2) That the Imperial Beach Redevelopment Agency Successor Agency adopt Resolution Number SA-17-60.

- 4.2 DAVID SWEENEY, SD ALPHA (APPLICANT); REGULAR COASTAL PERMIT (CP 170048), DESIGN REVIEW CASE (DRC 170049), SITE PLAN REVIEW (SPR 170050), TENTATIVE MAP (TM 170051), AND CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15332 (IN-FILL DEVELOPMENT) FOR THE CONSTRUCTION OF FIVE NEW RESIDENTIAL CONDOMINIUM UNITS AT 178 DAISY AVENUE (APN 625-271-13-00). MF 1255; RESOLUTION 2017-7867. (0600-20)**

Recommendation: That the City Council adopt Resolution 2017-7867 approving Regular Coastal Permit (CP 170048), Design Review Case (DRC 170049), Site Plan Review (SPR 170050), Tentative Map (TM 170051), and Categorical Exemption pursuant to CEQA Guidelines Section 15332 (In-Fill Development) for the construction of five (5) residential condominium units on a 12,705 square-foot (.29-acre) property located at 178 Daisy Avenue (APN 625-271-13-00), in the R-2000 (Medium-Density Residential) Zone.

PUBLIC HEARINGS (Continued)

- 4.3 AT&T (APPLICANT); REGULAR COASTAL PERMIT (CP 170057), CONDITIONAL USE PERMIT (CUP 170058), DESIGN REVIEW CASE (DRC 170059), SITE PLAN REVIEW (SPR 170060), AND CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) TO CONSTRUCT A NEW WIRELESS TELECOMMUNICATIONS FACILITY AT 800 SEACOAST DRIVE (APN 626-262-02-00) IN THE C/MU-2 (SEACOAST COMMERCIAL & MIXED-USE) ZONE. MF 1259; RESOLUTION 2017-7868. (0600-20 & 0800-50)**

Recommendation: That the City Council adopt Resolution 2017-7868 approving Regular Coastal Permit (CP 170057), Conditional Use Permit (CUP 170058), Design Review Case (DRC 170059), Site Plan Review (SPR 170060), and Categorical Exemption pursuant to CEQA Guidelines Section 15301 (Existing Facilities) for the construction of a new telecommunications facility and equipment shelter at 800 Seacoast Drive (APN 625-262-02-00), which is located in the C/MU-2 (Seacoast Commercial & Mixed-Use) Zone.

- 4.4 PUBLIC HEARING TO CONSIDER ADOPTION OF RESOLUTION NO. 2017-7874 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA FINDING AND DECLARING THAT THE NOTICE AND ORDER TO ELIMINATE SUBSTANDARD AND PUBLIC NUISANCE CONDITION(S), REGARDING THE PROPERTY AT 906 10TH STREET IS APPROPRIATE AND THAT THE CONDITIONS ARE SUBSTANDARD AND CONSTITUTE A PUBLIC NUISANCE; ORDERING THE ABATEMENT OF THE SUBSTANDARD AND PUBLIC NUISANCE CONDITIONS; AUTHORIZING LEGAL ACTION, AND ASSESSING COSTS OF ABATEMENT AND CIVIL PENALTIES. (0470-20)**

Recommendation: Staff recommends the City Council hold the public hearing and upon its conclusion: (1) determine that the conditions at 906 10th Street are substandard and constitute a public nuisance in violation of the Imperial Beach Municipal Code (IBMC), specifically IBMC sections 1.16.010(G), 1.16.010(H), 1.16.010(R), 1.16.010(U), 8.50.050(A), 8.50.090(G), and 8.50.090 (B) (collectively "Nuisance Conditions"); (2) order the Property owner to abate the Nuisance Conditions by a date certain; (3) Authorize the City Manager or his designee or, alternatively, the City Attorney to abate the Nuisance Conditions if the Nuisance Conditions are not abated within the prescribed time. Staff recommends the Mayor and City Council:

1. Declare the Public Hearing open, and receive the report;
2. Entertain any objections or protests;
3. Close the Public Hearing; and
4. Consider a motion to adopt Resolution No. 2017-7874 finding and declaring that the notice and order to abate the Nuisance Conditions at the Property is appropriate; that the Property owner abate the Nuisance Conditions within a prescribed timeframe; that the City Manager or his designee or, alternatively or in addition thereto, the City Attorney be authorized to initiate a legal action including but not limited to a civil action for injunctive relief, civil penalties, and the appointment of a receiver to gain compliance pursuant to Chapter 1.16 of the IBMC, Code of Civil Procedure section 564 et seq., and California Health and Safety Code section 17980 et seq.

REPORTS (5.1-5.2)

- 5.1 RESOLUTION 2017-7876 TO AWARD PROFESSIONAL SERVICES CONTRACT TO MICHAEL BAKER INTERNATIONAL FOR PHASE 1 ENGINEERING DESIGN OF THE MAJOR RENOVATION PROJECT: IMPERIAL BEACH BOULEVARD AND APPROPRIATE \$211,713 FROM THE PUBLIC WORKS RESERVE ACCOUNT AS THE LOCAL MATCH FUNDING REQUIRED PER THE STATE WATER BOARD STORM WATER GRANT. (0720-25)**

Recommendation: Adopt Resolution 2017-7876 to award a consultant contract for professional services to develop the engineering plans and specifications for Phase 1 of the Major Renovation Project: Imperial Beach Blvd.

REPORTS (Continued)

- 5.2 RESOLUTION NO. 2017-7871 APPROVING AND ADOPTING VARIOUS PERSONNEL AND JOB DESCRIPTION CHANGES AND AMENDING THE CITY'S FY 2017-19 SALARY SCHEDULE AND THE APPOINTIVE MANAGEMENT & CONFIDENTIAL SALARY AND BENEFITS SUMMARY, AND POSITION DESCRIPTION AND SALARY FOR SPECIAL EVENTS COORDINATOR AND ASSISTANT DIRECTOR OF COMMUNITY DEVELOPMENT. (0510-20 0520-50& 0520-75)

Recommendation: That the City Council adopts Resolution No. 2017-7871 approving and adopting various personnel and job description changes.

I.B. REDEVELOPMENT AGENCY SUCCESSOR AGENCY REPORTS (6.1-6.2)

- 6.1 SEE ITEM 4.1 (3) ABOVE

- 6.2 ADOPTION OF RESOLUTION NO. SA-17-58 AUTHORIZING THE ISSUANCE OF REFUNDING BONDS AND APPROVING THE FORMS OF DOCUMENTS IN CONNECTION THEREWITH AND RESOLUTION NO. SA-17-59 OF THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY ADOPTING A DEBT MANAGEMENT POLICY. (0720-25)

Recommendation: Staff recommends adoption of Resolution Nos. SA-17-58 AND SA-17-59.

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

ADJOURN REGULAR MEETING

CLOSED SESSION MEETING CALL TO ORDER

ROLL CALL

CLOSED SESSION (1)

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to Govt. Code section 54956.9(d)(4)

(1 case)

RECONVENE AND ANNOUNCE ACTION (IF APPROPRIATE)

ADJOURN CLOSED SESSION

The Imperial Beach City Council welcomes you and encourages your continued interest and involvement in the City's decision-making process.

FOR YOUR CONVENIENCE, A COPY OF THE AGENDA AND COUNCIL MEETING PACKET MAY BE VIEWED IN THE OFFICE OF THE CITY CLERK AT CITY HALL OR ON OUR WEBSITE AT

www.ImperialBeachCA.gov

_____/s/
Sunem Carballo,
Deputy City Clerk